

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARK RINGLAND,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

8:21CV481

**MEMORANDUM
AND ORDER**

On August 19, 2022, the court granted Plaintiff's Motion for Leave to Proceed in Forma Pauperis on Appeal; ordered Plaintiff to pay an initial partial filing fee of \$112.26 within 30 days; and directed that after payment of the initial partial filing fee, Plaintiff's institution shall collect the additional monthly payments in the manner set forth in 28 U.S.C. § 1915(b)(2) and shall forward those installments to the court. (Filing 31.) Plaintiff paid the initial partial filing fee in a timely fashion. (Docket Sheet Entry of September 8, 2022 (noting that partial filing fee for appeal paid).) The Eighth Circuit Court of Appeals dismissed Plaintiff's appeal on September 2, 2022. (Filing 34.)

Plaintiff has now filed a Motion for Extension of Time (Filing 36)—presumably to pay the remainder of his appellate filing fee—because he has “no pen to fill out money transfer payment.” (Filing 36 at CM/ECF p. 1.) Plaintiff's Motion will be denied because, as the Plaintiff was previously advised (Filing 31), the remainder of the appellate filing fee is to be collected by Plaintiff's institution “each time the amount in the account exceeds \$10 until the filing fees are paid” and “forward[ed] . . . from the prisoner's account to the clerk of the court.” 28 U.S.C. § 1915(b)(2). (See also Filing 27, Judgment advising Plaintiff that by filing notice of appeal, Plaintiff consents to deduction of appellate filing fee from prison account.) In other words, because the burden of collecting the appellate filing fee rests with the institution in which Plaintiff is being held and there is no action required by

Plaintiff, the Plaintiff does not need an extension of time to take any action. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Extension of Time (Filing 36) is denied; and
2. The clerk's office is directed to send a copy of this order to the appropriate official at Plaintiff's institution.

DATED this 14th day of September, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge